

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

ALFRED BONE SHIRT; BELVA BLACK	)	CIV. 01-3032-KES
LANCE; BONNIE HIGH BULL; and	)	
GERMAINE MOVES CAMP,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	ORDER GRANTING
	)	DEFENDANTS' APPLICATION
JOYCE HAZELTINE, in her official capacity	)	FOR ATTORNEY FEES
as Secretary of the State of South Dakota;	)	
SCOTT ECCARIUS, in his official capacity as	)	
Speaker of the South Dakota House of	)	
Representatives; SOUTH DAKOTA HOUSE	)	
OF REPRESENTATIVES; ARNOLD	)	
BROWN, in his official capacity as President	)	
of the South Dakota Senate; and SOUTH	)	
DAKOTA SENATE,	)	
	)	
Defendants.	)	

In an order dated April 17, 2004, this court held that defendants, pursuant to Federal Rule of Civil Procedure 37(c), were entitled to reasonable attorney fees and expenses incurred for bringing their motion to compel discovery against plaintiffs. On May 7, 2004, defendants submitted an affidavit of their attorney, John P. Guhin, detailing his attorney fees. The total attorney fees incurred, according to the affidavit, equals \$348. Plaintiffs did not respond to the motion.

Pursuant to Federal Rule of Civil Procedure 54, a party may request an "opportunity for adversary submissions with respect to the motion" by submitting affidavits, as provided in Rule 43(e). Local Rule 54.1 requires "[o]bjections to an allowance of fees must be filed within ten days after service on the party against whom the award of attorney's fees is sought." More than

ten days have passed since defendants' application was filed. Because plaintiffs have not objected to defendants' motion and have not requested an opportunity to provide adversary submissions, defendants' application is granted. The court finds that the number of hours and the hourly rate requested by defendants is reasonable. Plaintiffs are ordered to pay defendants \$348 in reasonable attorney fees.

Dated June 22, 2004.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE